

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

JULY 8, 1994.—Ordered to be printed

Mr. STUDDS, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

together with

DISSENTING AND ADDITIONAL VIEWS

[To accompany H.R. 4008]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1994".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.).

TITLE I—NOAA OCEAN AND COASTAL PROGRAMS

SEC. 101. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, \$29,005,000 for fiscal year 1995 and \$30,049,000 for fiscal year 1996.

(2) AUTOMATED NAUTICAL CHARTING.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to develop and implement an automated nautical charting system, \$1,300,000 for fiscal year 1995 and \$1,347,000 for fiscal year 1996.

(b) GEODESY.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, \$19,332,000 for fiscal year 1995 and \$20,028,000 for fiscal year 1996.

(c) OBSERVATION AND PREDICTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, \$12,429,000 for fiscal year 1995 and \$12,876,000 for fiscal year 1996.

(2) CIRCULATORY SURVEY PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, \$700,000 for fiscal year 1995 and \$725,000 for fiscal year 1996.

(3) OCEAN AND EARTH SCIENCES.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, \$4,442,000 for fiscal year 1995 and \$4,602,000 for fiscal year 1996.

(4) CENTER FOR OCEAN ANALYSIS AND PREDICTION.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to continue the activities of the Center for Ocean Analysis and Prediction, \$400,000 for fiscal year 1995 and \$414,000 for fiscal year 1996.

(5) OBSERVATION BUOYS.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain observation buoys in the Chesapeake Bay, \$400,000 for fiscal year 1995 and \$414,000 for fiscal year 1996.

(d) ESTUARINE AND COASTAL ASSESSMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, \$2,420,000 for fiscal year 1995 and \$2,507,000 for fiscal year 1996.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, \$18,945,000 for fiscal year 1995 and \$19,627,000 for fiscal year 1996.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, \$1,500,000 for fiscal year 1995 and \$1,554,000 for fiscal year 1996.

(4) COASTAL OCEAN PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce to, enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, \$11,433,000 for fiscal year 1995 and \$11,845,000

for fiscal year 1996. Of the amounts authorized under this paragraph for fiscal years 1995 and 1996, a total of \$120,000 is available until expended to study the use of oceanographic data obtained from satellite imagery and other sources to determine and predict the presence of endangered sea turtles in the Gulf of Mexico.

(e) OCEAN MANAGEMENT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out deep ocean mineral and ocean energy activities, \$500,000 for each of fiscal years 1995 and 1996.

SEC. 102. OCEAN AND GREAT LAKES RESEARCH.

(a) MARINE PREDICTION RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, \$10,000,000 for fiscal year 1995 and \$10,360,000 for fiscal year 1996.

(2) GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the operation and maintenance of the Great Lakes Environmental Research Laboratory, \$4,558,000 for fiscal year 1995 and \$4,722,000 for fiscal year 1996.

(B) GREAT LAKES NEARSHORE RESEARCH.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out nearshore research activities of the Great Lakes Environmental Research Laboratory, \$500,000 for each of fiscal years 1995 and 1996.

(C) ZEBRA MUSSEL RESEARCH.—In addition to amounts authorized under subparagraph (A), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out zebra mussel research activities of the Great Lakes Environmental Research Laboratory under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), \$911,000 for fiscal year 1995 and \$1,125,000 for fiscal year 1996.

(3) SOUTHEAST FLORIDA AND CARIBBEAN RECRUITMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce a total of \$2,000,000 for fiscal years 1995 and 1996 to enable the National Oceanic and Atmospheric Administration to carry out, through the Cooperative Institute for Marine and Atmospheric Studies, collaborative investigations to examine the physical and biological processes which—

(A) occur in tropical marine environments in coastal waters of the United States, Florida, and the Caribbean; and

(B) impact variability and development of fisheries resources.

(b) NATIONAL UNDERSEA RESEARCH PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out undersea research activities under the National Undersea Research Program established by section 411, \$22,100,000 for fiscal year 1995 and \$24,200,000 for fiscal year 1996, of which \$1,250,000 shall be available each fiscal year for implementing section 411(c).

(c) CLIMATE AND GLOBAL CHANGE RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out climate and global change research activities, \$84,012,000 for fiscal year 1995 and \$87,036,000 for fiscal year 1996. Of sums appropriated under this subsection, sufficient funds should be made available by the Secretary of Commerce to initiate and support research on the effects of climate and global change on the Nation's major freshwater systems, including the Great Lakes and the Mississippi River.

(2) ENVIRONMENTAL OBSERVATIONS.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce \$7,000,000 for each of fiscal years 1995 and 1996 for a program to increase scientific understanding of the earth by using a network of schools to collect environmental observations.

TITLE II—NOAA MARINE FISHERY PROGRAMS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) in section 2(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$51,092,000 for fiscal year 1995, and \$52,931,000 for fiscal year 1996”;

(2) in section 3(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$14,198,000 for fiscal year 1995, and \$14,709,000 for fiscal year 1996”; and

(3) in section 4(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$17,089,000 for fiscal year 1995, and \$17,704,000 for fiscal year 1996”.

SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

Section 1104A(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(b)(2)), is amended in the third proviso by striking “, except that no debt may be placed under this proviso through the Federal Financing Bank”.

SEC. 203. SCALLOP RESTORATION PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce \$200,000 for each of fiscal years 1995 and 1996, for the establishment and maintenance of a scallop restoration program for Long Island Sound.

SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 2 of the Act of August 11, 1939 (15 U.S.C. 713c-3), popularly known as the “Saltonstall-Kennedy Act”, is amended—

(1) in subsection (b)(1) by—

(A) striking subparagraph (B);

(B) striking “only for—” and all that follows through “the Secretary—” and inserting “only for use by the Secretary—”;

(C) redesignating clauses (i), (ii), and (iii) in order as subparagraphs (A), (B), and (C); and

(D) moving subparagraphs (A), (B), and (C), as redesignated by subparagraph (C) of this paragraph, 2 ems to the left so that the left margin of those subparagraphs is aligned with the left margin of section 2(a)(5) of that Act (15 U.S.C. 713c-3(a)(5)); and

(2) by striking the heading for subsection (c) and all that follows through paragraph (4) of that subsection, and inserting the following:

“(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—

“(1) IN GENERAL.—The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.

“(2) SECRETARY’S DUTIES.—The Secretary shall each fiscal year—

“(A) receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;

“(B) prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);

“(C) include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and

“(D) approve or disapprove each such application—

“(i) based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and

“(ii) before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and

"(E) to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 10 percent of funds available for a fiscal year may be obligated in the next fiscal year.

"(3) EVALUATION AND APPROVAL OF PROPOSALS.—

"(A) SUITABILITY FOR EVALUATION.—For each application received under paragraph (2) in a fiscal year, the Secretary shall—

"(i) make a determination whether the project proposed in the application meets the requirements of this subsection and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

"(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

"(B) GRANTS REVIEW PANEL.—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fiscal year.

"(C) CRITERIA FOR EVALUATION OF PROPOSALS.—Each grants review panel shall evaluate each proposal as to—

"(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

"(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

"(iii) the minimization of duplication within fisheries research and development activities; and

"(iv) based on the criteria in clauses (i), (ii) and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

"(D) INDUSTRIAL PARTNERS.—In evaluating and ranking proposals under this subsection that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least 1 of the persons that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

"(E) NOTICE OF DECISION BY THE SECRETARY.—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of that decision, including the reasons for that decision.

"(F) RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

"(4) TERMS AND CONDITIONS.—Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including the following:

"(A) RECORDS.—The recipient of the grant—

"(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

"(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) AMOUNT OF GRANT.—The amount of a grant may not be less than 50 percent of the estimated cost of the project.

"(C) PERIOD OF GRANT.—A grant may not provide funding for more than 2 years from the date of the release of the funds to the grantee.

“(D) STATUS REPORT.—The recipient of a grant shall submit annually to the Secretary a project status report. The Secretary may not release funds to the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.”

(b) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to fiscal years beginning after the date of the enactment of this Act.

(2) LIST OF REGIONAL PRIORITIES.—Notwithstanding section 2(c)(2)(C) of the Act of August 11, 1939, as amended by subsection (a)(2) of this section, the list of priorities referred to in that section for the first fiscal year beginning after the date of the enactment of this Act is not required to be based on priorities recommended under paragraph (3)(F) of that section.

TITLE III—ADMINISTRATION AND OTHER ACCOUNTS

SEC. 301. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, \$25,000,000 for fiscal year 1995 and \$25,900,000 for fiscal year 1996.

(b) SYSTEMS ACQUISITION OFFICE.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain the Systems Acquisition Office under the Act of 1970, \$1,100,000 for fiscal year 1995 and \$1,140,000 for fiscal year 1996.

(c) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, \$38,000,000 for fiscal year 1995 and \$39,368,000 for fiscal year 1996.

(d) RETIRED PAY.—There are authorized to be appropriated to the Secretary of Commerce, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal year 1996.

(e) MARINE SERVICES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, and support) under the Act of 1947 and any other law involving those activities, \$63,508,000 for fiscal year 1995 and \$65,794,000 for fiscal year 1996.

TITLE IV—MISCELLANEOUS NOAA PROGRAMS

SEC. 401. NAUTICAL PRODUCTS.

(a) DEPOSIT AND USE OF RECEIPTS FROM NAUTICAL PRODUCTS.—Notwithstanding section 1307(b) of title 44, United States Code, one-sixth of the fees collected each fiscal year from the sale of nautical products by the National Oceanic and Atmospheric Administration and from any licensing of those products by the National Oceanic and Atmospheric Administration which is authorized by law—

(1) shall be deposited into the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration; and

(2) shall be available to the Secretary of Commerce, in the manner provided for under section 312(d) of the National Marine Sanctuaries Act, only for the acquisition and installation of Physical Ocean Real-Time Systems, the acquisition and maintenance of upgraded hydrographic survey equipment, and other National Ocean Service activities directly related to the modernization and improvement of maritime safety.

(b) BUDGETARY TREATMENT OF RECEIPTS FROM NAUTICAL PRODUCTS.—Amounts deposited and available to the Secretary of Commerce under subsection (a)(1) and (2)—

(1) shall not be considered to be offsetting receipts of the National Oceanic and Atmospheric Administration or the Department of Commerce; and

(2) shall not be available for administrative costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.

(c) **DEPLOYMENT OF PHYSICAL OCEAN REAL TIME SYSTEM.**—No later than 270 days after the date of enactment of this Act, the Secretary of Commerce shall deploy, in Galveston Bay and the Houston Ship Channel a Physical Ocean Real Time System consisting, at a minimum, of current, wind, tide, salinity, and water level measuring devices and necessary computer links.

SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) **FINDINGS.**—The Congress finds the following:

(1) Changes in the defense needs of the United States have redefined the status of many defense-related assets.

(2) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(3) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(4) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop inter-agency agreements to further the use of defense-related technologies, data, and other resources to support its oceanic missions.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to support and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) **CONTENTS.**—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Oceanic and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Corps, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration; and

(G) recommendations on how to provide access to relevant defense-related data for non-Federal scientific users.

SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IMPROVEMENT.

(a) **STUDY.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of National Oceanic and Atmospheric Administration programs related to marine navigation safety.

(b) **CONTENTS.**—The study under subsection (a) shall include the funding history of navigation-related programs of the National Oceanic and Atmospheric Administration, adjusted for inflation, over at least the last 10 fiscal years, and detailed findings and recommendations on the following:

(1) The missions and objectives of the National Oceanic and Atmospheric Administration's navigation-related programs, including the statutory or other authorities that enable or require the National Oceanic and Atmospheric Administration to conduct those programs.

(2) The technological, financial, or other factors that limit the National Oceanic and Atmospheric Administration's ability to modernize its navigation-related programs.

(3) Near-term actions, without regard to financial constraints, that are required to enable the National Oceanic and Atmospheric Administration to address critical deficiencies in its navigation-related programs.

(4) Actions that need to be taken to allow the National Oceanic and Atmospheric Administration to fulfill its navigation-related responsibilities into the 21st century.

(5) A comparison of the resources and activities of the National Oceanic and Atmospheric Administration's navigation-related programs with those of other Federal agencies supporting the United States maritime infrastructure.

(6) Past organizational changes within the National Oceanic and Atmospheric Administration and foreseeable future organizational changes that have affected, or would affect, the ability of the National Oceanic and Atmospheric Administration to provide navigation-related services.

SEC. 404. WEST COAST GROUND FISH LABORATORY.

In selecting a site for placement of a replacement for the National Marine Fisheries Service Lab at Tiburon, California, the Secretary of Commerce shall take into account the following factors:

(1) The proximity of sites considered to—

(A) groundfish fisheries, salmon fisheries, and other unique marine study areas;

(B) academic and private research institutions which conduct relevant marine habitat and environmental research;

(C) other National Oceanic and Atmospheric Administration research and management elements; and

(D) other Federal, State, and private marine related research facilities.

(2) The ability of the National Oceanic and Atmospheric Administration to retain current staff.

(3) The relative construction and operation costs, including the potential for colocation with other Federal facilities.

SEC. 405. MARINE SANCTUARIES FACILITIES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on needs of the Department of Commerce for facilities (including real property for facilities) for the National Marine Sanctuary Program established under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.

(a) **IN GENERAL.**—The Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall establish for San Francisco Bay in accordance with this section the safe navigation system known as the Physical Ocean Real Time System (known, and hereinafter in this section referred to, as the "PORT System"), after completion of implementation of section 401(c).

(b) **STUDY.**—After completion of implementation of section 401(c), and not later than 1 year after the date of that completion, the Secretary shall conduct a hydrodynamics modeling study of San Francisco Bay to determine the appropriate technology and equipment and the effective placement of instruments for the establishment of the PORT System for San Francisco Bay.

(c) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than 1 year after the completion of the study under subsection (b), the Secretary, in consultation with the State of California Office of Oil Spill Prevention and Response and subject to paragraph (2), shall acquire, install, and activate appropriate equipment to establish an operational PORT System for San Francisco Bay.

(2) **CONDITION.**—The Secretary may not take any action under paragraph (1) unless the State of California Office has provided to the Secretary adequate assurances that the State will fund the operation and maintenance of the PORT System for San Francisco Bay after its installation.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section a total of \$4,200,000 for fiscal years 1995 and 1996.

SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.

(a) CONVEYANCE REQUIRED.—

(1) **IN GENERAL.**—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) **TERMS.**—A conveyance of property under paragraph (1) shall be made—

- (A) without payment of consideration; and
- (B) subject to the terms and conditions specified under subsections (b) and (c).

(b) CONDITIONS FOR TRANSFER.—

(1) **IN GENERAL.**—As a condition of any conveyance of property under this section, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(2) **CONTINUED USE OF PROPERTY BY NMFS.**—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this section, if—

(A) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) **REVERSIONARY INTEREST.**—All right, title, and interest in and to all property conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

SEC. 408. REIMBURSEMENT OF EXPENSES.

(a) **IN GENERAL.**—Notwithstanding section 3302 (b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration vessel repairs.

(b) **LIMITATION.**—Not more than \$518,757.09 of the amounts referred to in subsection (a) may be deposited into the Fleet Modernization, Shipbuilding, and Conversion account pursuant to subsection (a).

SEC. 409. NOAA FLEET MODERNIZATION.

(a) AUTHORITY TO CONTRACT.—

(1) **IN GENERAL.**—The Secretary may enter into only the following contracts in fiscal years 1995 and 1996 to implement the Plan:

(A) Repairs to extend the service life of the R/V DISCOVERER.

(B) Construction of a medium endurance oceanographic research vessel.

(C) A service life extension of the R/V DELAWARE II.

(D) Conversion of a T-AGOS vessel for oceanographic research.

(E) Construction of a coastal/low endurance vessel for living marine research.

(F) Leasing to fulfill any NOAA mission requirements.

(G) Necessary repairs to and maintenance of any vessel in the NOAA fleet, subject to subsection (b).

(H) Necessary requirements, designs, and specifications for future vessel repair, conversion, construction, or lease.

(2) **CONTRACT DEFINED.**—Section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891) is amended by adding at the end the following:

“(6) ‘contract’ means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term

includes contracts entered into on behalf of the Secretary by another Federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.”

(b) **LIMITATION ON EXPENDITURES FOR REPAIRS AND MAINTENANCE.**—Notwithstanding any other law, of the total amount appropriated for fiscal years 1991 through 1996 to the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration, not more than 20 percent may be expended by the Secretary for repairs and maintenance of vessels in the NOAA fleet.

(c) **LEASING AND CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary shall for each of fiscal years 1995 and 1996, enter into contracts, including service contracts, under the NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.) to use University-National Oceanographic Laboratory System or non-Federal vessels.

(2) **AMOUNT SUBJECT TO OBLIGATION.**—Amounts subject to obligation under paragraph (1) shall be, for each fiscal year, the greater of \$6,000,000 or 10 percent of the amounts appropriated to the Fleet Modernization, Shipbuilding, and Conversion account for fiscal years 1995 and 1996.

(d) **DEFINITIONS.**—In this section each of the terms “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Secretary” has the meaning given to that term in section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891), as amended by this section.

SEC. 410. STUDY OF NOAA CORPS.

(a) **STUDY.**—The Secretary of Commerce shall, subject to the availability of appropriations, contract with the Marine Board of the National Research Council to examine and report to the Secretary on the appropriate role of the National Oceanic and Atmospheric Administration Corps in supporting NOAA missions. In particular, the Marine Board shall—

(1) examine whether there is a continued need for a uniformed service to operate the NOAA fleet, fly weather observations, conduct hydrographic surveys, manage national marine sanctuaries, conduct NOAA research, and participate in other NOAA activities;

(2) examine the role of the NOAA Corps in modernizing the NOAA fleet and the involvement of the NOAA Corps in obtaining efficient, effective, low-cost ship support of NOAA missions;

(3) compare the full costs of utilizing the services of the NOAA Corps compared to civilian employees in similar positions; and

(4) determine whether adequately trained civilian employees are available to fill NOAA Corps positions.

(b) **DEADLINE.**—No later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit the report of the Marine Board under subsection (a) to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) **DEFINITIONS.**—In this section, the definitions in section 409(d) apply.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce to carry out this section a total of \$100,000 for fiscal years 1995 and 1996, to remain available until expended.

SEC. 411. UNDERSEA RESEARCH PROGRAM.

(a) **ESTABLISHMENT.**—There is established in the National Oceanic and Atmospheric Administration a program to be known as the National Undersea Research Program.

(b) **PROGRAM PURPOSE.**—The National Undersea Research Program shall develop, maintain, and conduct undersea research programs to enhance the understanding of processes in the oceans, coastal areas, and large lakes of the world through the use and development of undersea technologies.

(c) **CENTER FOR GULF OF MEXICO REGION.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall establish and maintain, at a qualified public institution, a National Undersea Research Program center for the Gulf of Mexico to carry out the National Undersea Research Program for the Gulf of Mexico region.

(2) **DEFINITION.**—For purposes of this subsection, “qualified public institution” means a public institution or consortium of public institutions of higher education—

(A) located directly on the coastline of, or having direct access to, the Gulf of Mexico, and proximate to the Flower Garden Banks National Marine Sanctuary;

(B) with strong undergraduate and graduate programs in engineering, science, and technology as they may apply to undersea research;

(C) with nationally-recognized programs in marine science and maritime studies, including the presence of a degree-granting maritime academy;

(D) with facilities for maintaining and operating research and other vessels appropriate for deployment of equipment necessary to conduct undersea research;

(E) with faculty and other personnel with expertise in undersea research;

(F) which maintains cooperative institutional relationships with Federal agencies responsible for research work in the Gulf of Mexico and along the Gulf of Mexico coast;

(G) which participates in cooperative undersea research programs with Mexico; and

(H) has received funding for undersea research from the Secretary in the past.

(3) **LIMITATION.**—In carrying out this subsection, the Secretary of Commerce shall not reduce amounts available for carrying out the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility of Scientific Use.

SEC. 412. REPORT ON RESEARCH AND EFFECTS OF CLIMATE AND GLOBAL CHANGE ON FRESHWATER SYSTEMS.

Within 60 days after the date of submission of the President's budget request for each of fiscal years 1996 and 1997, the Secretary of Commerce shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on—

(1) the amount of funds allocated and the activities supported for research on the effects of climate and global change on the Nation's major freshwater systems, including international commitments;

(2) the criteria used in determining those allocations and in selecting those activities; and

(3) specific proposed agency plans for implementing research programs and activities to evaluate the effects of climate and global change on the Nation's major freshwater systems.

SEC. 413. PROMOTION AND COORDINATION OF NATIONAL ESTUARINE RESEARCH RESERVES.

The Secretary of Commerce shall take such action as is necessary and reasonable to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more such reserves for research, monitoring, and education, including coordination with the National Marine Sanctuaries Program.

SEC. 414. STUDY ON EFFECTS OF DOLPHIN FEEDING.

(a) **STUDY.**—The Secretary of Commerce shall conduct a study on the effects of feeding noncaptive dolphins in the Gulf of Mexico and Southern Atlantic Ocean. The study shall consider the potential impacts on the behavior or general health of wild populations of dolphins resulting from this feeding.

(b) **USE OF THE STUDY.**—The Secretary of Commerce shall use the results of the study required under subsection (a) in determining whether and under what conditions feeding noncaptive dolphins may be authorized.

(c) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 415. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.

(a) **MODIFICATION.**—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102-251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) **DEPICTION OF SANCTUARY BOUNDARIES.**—The Secretary of Commerce shall—

(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) APPLICATION OF REGULATIONS.—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection shall take effect 45 days after the date of enactment of this Act.

(d) AREA DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled "Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final";

(B) labeled "Stetson" on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect the living coral resources of Stetson Bank or to simplify administration of the Flower Garden Banks National Marine Sanctuary.

(e) PUBLICATION OF NOTICE.—

(1) IN GENERAL.—The Secretary of Commerce shall, as soon as practicable after the date of the enactment of this Act, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) TREATMENT AS NOTICE REQUIRED UNDER NATIONAL MARINE SANCTUARIES ACT.—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434).

SEC. 416. AMENDMENTS RELATING TO NATIONAL COASTAL RESOURCES RESEARCH AND DEVELOPMENT INSTITUTE.

(a) ADMINISTRATION OF INSTITUTE.—Section 201(a) of the Act entitled "An Act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1985 through 1988, and for other purposes" (16 U.S.C. 1463b(a)) is amended by striking "by the Oregon State Marine Science Center" and inserting "by the Oregon State System of Higher Education".

(b) FUNCTIONS OF INSTITUTE.—Section 201(b) of such Act (16 U.S.C. 1463b(b)) is amended to read as follows:

"(b) The Institute shall promote the economic growth and prosperity of the United States by transferring research and technology into applications to improve the economic, environmental, and social well-being of the Nation's coastal communities and the competitiveness of coastal businesses."

(c) MEMBERSHIP OF BOARD OF GOVERNORS.—Section 201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is amended to read as follows:

"(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

"(A) 1 representative appointed by the Chancellor of the Oregon State System of Higher Education; and

"(B) 1 representative of each of the following regions, appointed jointly by Governors of the States comprising that region:

"(i) The Alaska region, consisting of Alaska.

"(ii) The Northwest Pacific Coast region, consisting of Oregon and Washington.

"(iii) The Southwest Pacific Coast region, consisting of California.

"(iv) The Pacific Islands region, consisting of Hawaii, American Samoa, and Guam.

"(v) The Great Lakes region, consisting of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.

"(vi) The Gulf Coast region, consisting of Texas, Louisiana, Mississippi, and Alabama.

"(vii) The South Atlantic and Caribbean region, consisting of South Carolina, Georgia, Florida, Puerto Rico, and the U.S. Virgin Islands.

"(viii) The Mid-Atlantic region, consisting of Delaware, Maryland, Virginia, and North Carolina.

"(ix) The North Atlantic region, consisting of New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine."

(d) ADVISORY COUNCIL.—Section 201(d)(1) of such Act (16 U.S.C. 1463b(d)(1)) is amended by inserting "and leaders in coastal communities and businesses" after "community".

(e) CONFORMING AMENDMENT.—Section 201(e) of such Act (16 U.S.C. 1463b(e)) is amended by striking "Oregon Board of Higher Education" and inserting "Oregon State System of Higher Education".

(f) REPORTS.—Section 201(g) of such Act (16 U.S.C. 1463b(g)) is amended to read as follows:

"(g) The Institute shall report to the Congress on its activities annually, and shall report to the Secretary of Commerce in a like manner biennially."

SEC. 417. SENSE OF CONGRESS REGARDING PROMOTION OF MINORITIES AND WOMEN IN COASTAL AND OCEAN PROGRAMS.

It is the sense of the Congress that the National Oceanic and Atmospheric Administration should develop and promote programs that reach out to and recruit minorities and women for education in the sciences and take actions to increase the direct involvement of underrepresented minorities in coastal and ocean resource stewardship programs carried out directly by the National Oceanic and Atmospheric Administration and in partnership with State and local governments, universities, and other entities. To this end, the National Oceanic and Atmospheric Administration should create minority internship programs to develop a pool of professionals in coastal and ocean science and management, and to make these programs an eligible use of grant and program funds distributed by the National Oceanic and Atmospheric Administration to States, universities, and other entities.

SEC. 418. CHESAPEAKE BAY.

(a) REPEAL.—If by December 1, 1994, the Secretary of Commerce fails to obligate all funds appropriated to the Secretary of Commerce by Public Law 103–121 for oyster disease research, section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d), requiring the establishment of a National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, is repealed.

(b) ASSIGNMENT OF FUNCTIONS.—If section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) is repealed by subsection (a), the Secretary of Commerce shall immediately—

(1) enter into a cooperative agreement with the directors of the Maryland and Virginia Sea Grant colleges to administer all funds appropriated to the Secretary of Commerce under any law for oyster disease research and Chesapeake Bay studies; and

(2) transfer the functions of the former National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office to the Director of the Coastal Ocean Program.

The Director may delegate any of the functions transferred under paragraph (2) to the directors of the Maryland and Virginia Sea Grant colleges under the cooperative agreement required under paragraph (1).

(c) REPEAL AND AUTHORIZATION OF APPROPRIATIONS.—

(1) REPEAL.—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210, 97 Stat. 1409) is repealed.

(2) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Commerce to implement section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) and this section, \$2,500,000 for each of fiscal years 1995 and 1996, to remain available until expended.

SEC. 419. WEATHER REPORTING STATIONS FOR PRINCE WILLIAM SOUND.

(a) INSTALLATION.—To provide more comprehensive weather information to ensure the safety of fishermen and tank vessels and to protect the resources of Prince William Sound from potential oil spills, the Secretary of Commerce may expend \$340,000 to acquire, construct, and install weather reporting stations in Prince William Sound, Alaska, as follows:

(1) In the vicinity of Seal Rocks, to acquire and install a weather buoy capable of measuring and reporting wind speed and direction, barometric pressure, wave height and period, and air temperature.

(2) On the existing tower at Bligh Reef, to acquire and install a weather instrument capable of measuring and reporting wind speed and direction.

(3) At Potato Point, to relocate the existing anemometer to a more exposed location in order to provide more accurate information.

(4) At the Hinchinbrook Lighthouse site, to acquire and install an anemometer.

(b) MAINTENANCE.—The Secretary of Commerce may expend \$160,000 in each of fiscal years 1995 and 1996 to maintain the equipment identified in subsection (a).

TITLE V—GREAT LAKES IMPROVEMENTS

SEC. 501. SHORT TITLE.

This title may be cited as the “National Oceanic and Atmospheric Administration Great Lakes Improvements Act”.

SEC. 502. GREAT LAKES OFFICE.

(a) ESTABLISHMENT.—The Under Secretary may establish and maintain within the Administration a Great Lakes Office in the Washington, District of Columbia area.

(b) PURPOSE.—The purpose of the Great Lakes Office shall be to promote and coordinate Administration research, monitoring, and assessment work in the Great Lakes region consistent with the goals of the Great Lakes Water Quality Agreement.

(c) DIRECTOR.—The Director of the Great Lakes Office shall be an individual with extensive knowledge and expertise in the Great Lakes ecosystem, and with appropriate administrative experience.

SEC. 503. GREAT LAKES REPORT.

(a) CONTENTS.—Subject to the availability of appropriations under section 505, the Under Secretary, in consultation with the Director of the Great Lakes Office if established, shall prepare and submit to Congress an annual Great Lakes Report in accordance with this section. The Report shall provide information relating to Great Lakes ecosystem research, monitoring, and assessment, including—

(1) the individual activities, projects, or proposals conducted by the Administration in the previous fiscal year, including a summary of funds expended in support of these activities, projects, or proposals;

(2) the amount of funds received from the Administration by each State or local government unit bordering the Great Lakes;

(3) the amount of funds received by individuals or institutions residing or located within a State bordering the Great Lakes;

(4) an inventory of Administration facilities and personnel located in a State bordering the Great Lakes or in the Great Lakes used to conduct or support Administration-funded activities, projects, or proposals in the Great Lakes, including vessels;

(5) the proposed Administration activities, projects, and proposals to benefit the Great Lakes ecosystem for the current fiscal year, including requested funds; and

(6) a proposal for increasing the presence of the Administration in the Great Lakes, and improving the coordination of research within the Administration and with other entities, including the Government of Canada.

(b) DEADLINE.—Subject to the availability of appropriations under section 505, the Under Secretary shall submit the Great Lakes Report to the Congress by October 1 of 1995, 1996, 1997, and 1998.

SEC. 504. DEFINITIONS.

In this title—

(1) the term “Administration” means the National Oceanic and Atmospheric Administration;

(2) the term “Great Lakes” means—

(A) Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, and Lake Superior;

(B) their connecting waters, including the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River; and

(C) the St. Lawrence River;

(3) the term “Great Lakes Water Quality Agreement” means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987; and

(4) the term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary to carry out this title \$100,000 for each of fiscal years 1995, 1996, 1997, and 1998.

SUMMARY OF THE REPORTED BILL

H.R. 4008, as ordered reported from the Committee on Merchant Marine and Fisheries, provides authorizations of appropriations for the ocean and coastal programs of the National Oceanic and Atmospheric Administration (NOAA) that are not otherwise specifically authorized by law. The bill provides authorizations for Fiscal Years (FY) 1995 and 1996 for: mapping, charting, and geodesy; ocean observation and prediction; estuarine and coastal assessment; ocean and coastal management; ocean and Great Lakes research, including the National Undersea Research Program (NURP) and the Climate and Global Change Research Program; and program support. In addition, H.R. 4008 contains numerous provisions that affect the agency's operation and management, including amendments to the NOAA Fleet Modernization Act and the Saltonstall-Kennedy grant program to promote and develop fisheries.

PURPOSE OF THE BILL

The purposes of H.R. 4008 are to provide comprehensive authorization of NOAA ocean, coastal, and fisheries programs through FY 1996 and to authorize miscellaneous additional NOAA activities of interest to the Committee.

BACKGROUND AND NEED FOR LEGISLATION

NOAA conducts research, manages ocean resources, and provides a wide range of services under dozens of statutes. However, a large number of important NOAA programs and services are not specifically authorized by law. The first comprehensive NOAA authorization was enacted on October 29, 1992 (Public Law 102-567), and represented several years of work to bring most of NOAA's programs under one authorization. The Committee on Merchant Marine and Fisheries has jurisdiction over NOAA's ocean, coastal, and fisheries programs, the so-called "wet" NOAA programs. P.L. 102-567 provided authorizations of appropriations for NOAA programs that are not otherwise authorized by law, including many of NOAA's wet programs. Most of the authorizations in P.L. 102-567 expired on October 1, 1993.

COMMITTEE ACTION

The Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf held hearings on the reauthorization of NOAA on November 3, 1993. Diana Josephson, Deputy Under Secretary for Oceans and Atmosphere of the Department of Commerce, presented testimony for NOAA. Ms. Josephson described NOAA's strategic planning process and provided comments on the agency's short-range plans and on reauthorization. An additional hearing was held on March 2, 1994, to examine NOAA's FY 1995 budget request. Testimony was received from NOAA, the Coastal States Organization, and the Environmental Defense Fund.

H.R. 4008 was introduced on March 10, 1994, by Mr. Ortiz, Chairman of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf. The bill was referred to the Committee on Merchant Marine and Fisheries, where it was referred to the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf.

The Subcommittee met on April 19, 1994, to consider and mark up H.R. 4008. Mr. Ortiz offered an amendment in the nature of a substitute to the bill. The authorization levels in the amendment were generally consistent with the funding levels recommended for NOAA for FY 1995 by the Committee on Merchant Marine and Fisheries to the Appropriations Committee. The amendment consisted of the text of the bill as introduced and authorizations of appropriations for: the Coastal Zone Management Program; the National Estuarine Research Reserve Program; the National Sea Grant College Program; the Climate and Global Change Research Program; the National Marine Sanctuary Program; Chesapeake Bay observation buoys; ocean management; the National Undersea Research Program; and NOAA administration. In addition, the amendment contained provisions requiring a report on climate and global change research on freshwater systems and a study on the effects of dolphin feeding in the Gulf of Mexico. The amendment was adopted by voice vote.

At the Subcommittee markup, Mr. Weldon offered an amendment to require NOAA to report on opportunities for the dual use of defense assets for oceanographic research. Ms. Schenk offered an amendment to raise the authorization level for the climate and global change program to the President's request. Ms. Eshoo offered an amendment consisting of a sense of Congress provision on the recruitment of minorities and women into coastal and ocean stewardship programs through NOAA's science education activities. The three amendments were adopted by voice vote and the amendment in the nature of a substitute to H.R. 4008, as amended, was reported to the full Committee by voice vote.

The full Committee met on May 11, 1994, to consider and mark up H.R. 4008. At the markup, Chairman Studds offered an amendment in the nature of a substitute to H.R. 4008 as ordered reported from the Subcommittee. In addition to provisions contained in the bill as reported from the Subcommittee, the Studds substitute: (1) deleted FY 1994 authorizations (for which funds have already been appropriated); (2) deleted authorizations for programs that are otherwise authorized by law (Coastal Zone Management, the National Marine Sanctuaries Program, the National Estuarine Research Reserve System, and the National Sea Grant College Program); (3) added authorizations of appropriations for FY 1996, which were generally calculated as the FY 1995 level adjusted for inflation (using the Congressional Budget Office's gross national product deflator of 3.6%); (4) authorized NOAA fisheries programs not otherwise authorized by law; (5) amended the Saltonstall-Kennedy Act to modernize and improve the program of grants established by that Act; (6) authorized the Global Learning and Observations to Benefit the Environment (GLOBE) Program; (7) authorized a study of the NOAA Corps; (8) authorized the acquisition and deployment of equipment to improve marine weather forecasting in Prince Wil-

liam Sound, Alaska; and (9) included additional miscellaneous matters.

Mr. Fields offered an amendment to strike the provision in the substitute authorizing the GLOBE Program. The amendment failed on a division vote of 7 Yeas to 10 Nays.

Mr. Tauzin offered an amendment setting aside a portion of the funds authorized for NOAA fleet modernization to be used for contracting for ship time or services from the academic research fleet or from non-federal sources. The amendment was adopted by voice vote.

Mr. Ortiz offered an amendment to expand a provision in the substitute amendment calling for a study of the effects of feeding wild dolphins. The amendment would have required field experiments on the behavioral and health effects on dolphins of feeding by human beings. The amendment failed on a voice vote.

Mr. Ortiz offered and withdrew an amendment on behalf of Mr. Manton requiring the installation of a Physical Ocean Real Time System (PORTS) for the Port of New York/New Jersey (see discussion of PORTS in the analysis of section 406).

The substitute amendment, as amended, was ordered reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The short title of the bill is the "National Oceanic and Atmospheric Administration Authorization Act of 1994."

SECTION 2. DEFINITIONS

Section 2 defines, for this Act, terms for three NOAA-related laws that provide general authority for a number of the agency's activities.

TITLE I—NOAA OCEAN AND COASTAL PROGRAMS

(Table 1 contains a summary of all of the authorizations carried in H.R. 4008.)

Section 101. National Ocean Service

Section 101 authorizes funding for NOAA's National Ocean Service, which has responsibility for mapping, charting, and geodesy; ocean observation and assessment; and ocean and coastal management. This section authorizes a total of \$102,806,000 for FY 1995 and \$106,488,000 for FY 1996 for National Ocean Service programs.

TABLE 1.—SUMMARY OF AUTHORIZATIONS IN H.R. 4008

[In thousands of dollars]

Activity	Authorization of appropriations (fiscal years)	
	1995	1996
National Ocean Service		
Mapping and charting:		
Base	29,005	30,049

TABLE 1.—SUMMARY OF AUTHORIZATIONS IN H.R. 4008—Continued
(In thousands of dollars)

Activity	Authorization of appropriations (fiscal years)	
	1995	1996
Automated nautical charting	1,300	1,347
Geodesy	19,332	20,028
Observation and prediction:		
Base	12,429	12,876
San Francisco PORTS	4,200	(¹)
Circulatory Survey Program	700	725
Ocean and earth sciences	4,442	4,602
Center for Ocean Analysis and Prediction	400	414
Chesapeake observation buoys	400	414
Estuarine and coastal assessment:		
Base	2,420	2,507
Ocean assessment	18,945	19,627
Damage Assessment Program	1,500	1,554
Coastal Ocean Program	11,433	11,845
Ocean Management	500	500
Subtotal National Ocean Service	107,006	106,488
Ocean and Great Lakes Research		
Marine prediction research:		
Base	10,000	10,360
Great Lakes Environmental Research Laboratory	4,558	4,722
Great Lakes nearshore research	500	500
Zebra mussel research	911	1,125
Southeast Florida and Caribbean Recruitment Program	2,000	(¹)
National Undersea Research Program	22,100	24,200
Climate and global change research:		
Base	84,012	87,036
GLOBE	7,000	7,000
Subtotal Ocean and Great Lakes Research	131,081	134,943
National Marine Fisheries Service		
Information collection and analyses	51,092	52,931
Conservation and management operations	14,198	14,709
State and industry assistance programs	17,089	17,704
Scallop restoration	200	200
Subtotal National Marine Fisheries Service	82,579	85,544
Program Support		
Executive direction and administrative activities	25,000	25,900
Systems Acquisition Office	1,100	1,140
Central administrative support	38,000	39,368
NOAA Corps retired pay	7,706	7,983
Marine services	63,508	65,794
Subtotal Program Support	135,314	140,185
Miscellaneous Authorizations		
Study of NOAA Corps	100	(¹)
Chesapeake Bay (oyster disease research)	2,500	2,500
Prince William Sound weather reporting stations ²	500	160
National Great Lakes office	100	100
Subtotal miscellaneous	3,200	2,760
Bill total	459,180	469,920

¹ Two year lump-sum authorization, total may be appropriated in either year, or spread over two years.

² \$340,000 of the amount shown for FY 1995 is not restricted to a fiscal year (see section 419).

Section 102. Ocean and Great Lakes research

Section 102 authorizes programs and activities in ocean and Great Lakes research within the Office of Oceanic and Atmospheric Research (OAR). Much of NOAA's basic and applied aquatic research is conducted by OAR, through NOAA's environmental research laboratories and through extramural programs. This section authorizes \$129,081,000 for FY 1995 and \$134,943,000 for FY 1996 for ocean and Great Lakes research programs. In addition, section 102 authorizes a combined total of \$2,000,000 for FY 1995 and FY 1996 for the Southeast Florida and Caribbean Recruitment Program.

Subsection 102(b) authorizes appropriations for the National Undersea Research Program, which is established by section 411 of the bill. Of amounts appropriated pursuant to this authorization, and subject to the limitation of paragraph (c)(3) of section 411, the Committee expects the Secretary of Commerce to make \$1,250,000 available in each of fiscal years 1995 and 1996 for the establishment and maintenance of an undersea research center for the Gulf of Mexico region, as directed by subsection 411(c). In deriving funds for the new center, the Committee anticipates that \$300,000 should be available from amounts historically provided to the National Undersea Research Center at the University of North Carolina at Wilmington for research in the Gulf of Mexico region.

NOAA's Climate and Global Change Research Program is authorized in subsection 102(c). The program is authorized at \$84,012,000 for FY 1995 and \$87,036,000 for FY 1996. In addition, the Global Learning and Observations to Benefit the Environment (GLOBE) program is authorized under paragraph 102(c)(2) at \$7,000,000 for each of FY 1995 and FY 1996. This is a Vice Presidential initiative to promote environmental awareness among the world's children, while providing environmental observations for the use of the scientific community.

TITLE II—NOAA MARINE FISHERY PROGRAMS

Section 201. Authorization of appropriations

This section amends the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (NMFPAA, Public Law 98-210) to authorize appropriations under that Act for FY 1995 and FY 1996. The NMFPAA authorizes NOAA fisheries programs not otherwise authorized by law, including research to reduce entanglement of marine mammals in fishing gear, the development of habitat restoration techniques, restoration of the Chesapeake Bay, and conservation of Antarctic living marine resources.

Section 201 authorizes \$51,092,000 for FY 1995 and \$52,931,000 for FY 1996 for information collection and analyses, \$14,198,000 for FY 1995 and \$14,709,000 for FY 1996 for conservation and management operations, and \$17,089,000 for FY 1995 and \$17,704,000 for FY 1996 for state and industry assistance programs.

Section 202. Amendments to the Merchant Marine Act, 1936

Section 202 amends the Merchant Marine Act, 1936 to delete the prohibition imposed on the Fishing Vessel Obligation Guarantee

(FVOG) program on placing federal loan guarantees in the securities market through the Federal Financing Bank. All other federal loan guarantee programs are required to sell their guarantees through the Federal Financing Bank.

The Committee believes that there is no reason to treat the FVOG program differently from other similar federal programs. This change would produce additional income of approximately 0.5 to 1 percent of the value of the FVOG loan portfolio without resulting in any additional cost to the users of the program. The Committee intends that additional income resulting from this amendment accrue to the FVOG program and be used to offset annual appropriations required for its administration.

Section 203. Scallop restoration program

This section authorizes appropriations for FY 1995 and FY 1996 for the establishment of a scallop restoration program in Long Island Sound. During the 1980's, bay scallops in Long Island Sound were decimated by a series of "brown tides", consisting of dense concentrations of microorganisms that proved toxic to a number of marine species, including bay scallops. Because most bay scallops live for only one year, these mollusks have been unable to rebound to commercially viable levels. This program will develop and implement methods to restore this valuable resource.

Section 204. Saltonstall-Kennedy program amendments

Section 204 amends the Saltonstall-Kennedy Act to improve the program of grants to promote and develop fisheries created by that Act (S-K grants). This is accomplished by: (1) establishing firmer deadlines and criteria for awarding grants; (2) requiring peer review of proposals for grants by a balanced panel of experts; and (3) by refocusing the program on assistance to industry.

Subsection 204(a) consists of a substitute for subsection (c)(1) of the Saltonstall-Kennedy Act. The new subsection (c)(1) includes the concept of sustainable development of fisheries among the purposes of the S-K grants program and makes aquaculture projects explicitly eligible for grants.

Subsection (c)(2) of the Saltonstall-Kennedy Act specifies the duties of the Secretary of Commerce under the Act. The amendments to subsection (c)(2) require that the Secretary solicit proposals through a Request for Proposals published in the Federal Register, which must include a list of national priorities recommended by the grants review panel established under the new subparagraph 3(B). An important change from existing law provided in section 204 is that the Secretary is required to approve or disapprove applications for funding based primarily on the recommendations of the grants review panel.

The Committee believes that there is no reasonable justification for the delays in awarding grants typical of the S-K program. These delays reached their greatest extent in 1991 when no grants were awarded with FY 1991 funds. To make matters worse, because funds from FY 1991 were allowed to be carried over into 1992, no appropriations were provided to the program for FY 1992. As a result of this "rollover", grants are now routinely awarded in a fiscal year with money appropriated in the previous fiscal year.

To expedite the awarding of funds, the new subparagraphs (2)(D) and (E) require: (1) grants to be awarded within 90 days of the end of the application period specified in the Request for Proposals; and (2) funds to be obligated, subject to subparagraph (2)(E), before the end of the fiscal year in which the funds are appropriated. Although the Committee believes that funds should generally be awarded in the year in which they are appropriated, it recognizes that there may be variations in the number or quality of proposals which could make it imprudent to obligate all available funds each fiscal year. Accordingly, subparagraph 2(E) allows up to 10 percent of funds available in a fiscal year to be carried over to the next fiscal year. The Committee intends the term "funds available for a fiscal year" to include both amounts appropriated in a fiscal year and amounts carried over from the previous fiscal year. In this way, some carryover is allowed, but it would not accumulate from year to year.

The new paragraph (c)(3) provides for the evaluation of proposals. Under this provision, the Secretary determines if the proposed project meets the requirements of the S-K program and, if so, forwards the proposal to the grants review panel. Subparagraph (3)(B) requires the Secretary to convene each year a balanced panel of experts in fisheries to review proposals for merit. Subparagraph (3)(C) provides four main criteria for proposal evaluation by the panel.

The Committee finds that, other factors being equal, proposals directly involving persons in the seafood industry should be given preference for funding under the S-K program. Accordingly, subparagraph (3)(D) requires the grants review panel, in deciding among proposals of equivalent overall quality and rank, to give preference to proposals in which at least one of the principal proposed grantees receives a substantial portion of income from the seafood industry.

Subparagraph (3)(E) requires the Secretary to notify Congress and the grants review panel in each case where the Secretary approves or disapproves a proposal contrary to the recommendations of the grants review panel. While the Committee recognizes that the ultimate decision to obligate funds appropriated for the S-K program rests with the Secretary of Commerce, the new subparagraph (c)(2)(D) of the S-K Act (as amended by this Act), requires that decision to be "based primarily on the recommendations of the grants review panel." Therefore, subparagraph (3)(E) provides a mechanism for the Committee's oversight of implementation of these provisions, as well as providing valuable feedback to the grants review panel.

TITLE III—ADMINISTRATION AND OTHER ACCOUNTS

Section 301. Program support

Subsection 301(a) authorizes appropriations for centralized executive management and decision-making, including policy and planning, congressional and public relations, and educational activities. Funding for the Office of the Administrator and the Office of the Chief Scientist are included in this authorization. Although the Administration has requested funding for the GLOBE Program under

this heading, the Committee believes that it is more appropriate for GLOBE to be authorized as part of the Climate and Global Change Program, to which it is tied.

Subsection (b) authorizes appropriations for the Systems Acquisition Office. After encountering grave problems with both the procurement a deployment of the second generation of geostationary weather satellites, NOAA established the Systems Acquisition Office to provide better oversight of major capital acquisitions. While the Committee supports enhanced oversight in this area, the Administration has proposed an increase for this Office for FY 1995 that appears to be out of proportion with any new responsibilities of the Office and inconsistent with the overall reduction in the Administration's request for NOAA for FY 1995. The Committee believes that the growth in central administrative functions of an agency should not outpace programmatic growth. Therefore, the Committee has authorized the Systems Acquisition Office at the same level of funding for FY 1995 as was appropriated for FY 1994.

Central administrative support is authorized under subsection 301(c). This provides authority for administrative support for NOAA headquarters and field programs. Amounts provided under this authority pay for management of personnel, procurement, payments, facilities, and administrative services and systems. Consistent with the philosophy outlined above, the Committee has authorized funding for these activities at the level appropriated for FY 1994.

Subsection 301(d) authorizes payment of retired pay for retired commissioned officers of NOAA. Nevertheless the Committee notes that the NOAA Corps is the only uniformed service for which retired pay must be appropriated from discretionary funds. The Committee believes it would be more appropriate for such benefits to be considered, and scored, as mandatory spending because the rate of retired pay and the requirement to pay eligible recipients is a legal mandate.

NOAA operates a fleet of oceanographic, hydrographic, and fisheries research and assessment vessels to provide the necessary sea-going capabilities to support its missions of research, management, and services related to climate and global change, marine environmental quality, marine resource assessment and development, safety of navigation, and protection of life and property in the coastal zone. Subsection 301(e) authorizes funding for these activities under Marine Services.

TITLE IV—MISCELLANEOUS NOAA PROGRAMS

Section 401. Nautical products

Subsection (a) of this section authorizes the Secretary of Commerce to retain one-sixth of the amount collected each year from the sale and licensing of nautical charts and other nautical products produced by NOAA. The funds are to be deposited in the NOAA Operations, Research and Facilities account and used by the Secretary for a variety of National Ocean Service maritime safety projects. These include the acquisition and installation of Physical Ocean Real Time Systems, such as the one operating in Tampa Bay, Florida, or the acquisition and maintenance of upgraded hy-

drographic survey equipment (such as multi-beam sonar). As specified in subsection (b), the funds may not be used to pay NOAA or Department of Commerce administrative costs.

In addition, as indicated by the reference to section 312(d) of the National Marine Sanctuaries Act, the funds are to be available to the Secretary without appropriation, as the funds recovered for response costs and damages to national marine sanctuaries resources are treated as part of the Damage Assessment and Restoration Fund. By referencing section 312(d), the Committee does not intend that the funds from the sale and licensing of nautical products be used for response actions and damage assessments, or any of the other activities specified in that section.

This authority to retain monies from the sale and licensing of products in authority similar to that granted the Secretary of Commerce for aeronautical charts under Public Law 103-121, under which receipts from increases above the September 30, 1993, price of individual aeronautical charts are deposited in the NOAA Operations, Research and Facilities account.

Subsection (b) clarifies that the funds retained by the Secretary are not to be considered offsetting receipts for NOAA or the Department of Commerce.

Subsection (c) requires the Secretary of Commerce to deploy a Physical Ocean Real Time System (PORTS) in the Houston Ship Channel and Galveston Bay within 270 days of enactment of this Act. This project was authorized as part of Public Law 102-567, but not executed. Over 110,000 vessels transit this waterway each year, and more than 180 million tons of cargo move through the Ports of Galveston, Houston, and Texas City. This may be the largest port complex in the United States, but it is served by a ship channel system which is only 400 feet wide for most of its length. Accurate and timely data are critical for safe navigation and to protect the marine environment. Measurements in these areas were last taken in 1963. NOAA itself has echoed the critical need for this information following a 1988 quality assurance survey which forced the agency to void its own tide tables for the area.

The Committee intends that the funds provided to the Secretary under subsection (a) be used to meet this obligation.

Section 402. Use of ocean research resources of other Federal agencies

Subsection (a) contains Congressional findings on new applications, also known as "dual use", for military data and technologies. The findings are based on testimony before the Merchant Marine and Fisheries Committee Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf on August 4, 1993, on dual use technologies for oceanographic research.

As a result of this hearing, the Committee is aware that: (1) the end of the Cold War has allowed for the civilian use of both military data and technologies that were formerly classified; (2) the military possesses some of the best scientific data and equipment related to observations, monitoring and predictions of the ocean environment; (3) much of this data and equipment can now be shared with the civilian scientific community without compromising the national security of the United States; and (4) NOAA's missions

could greatly benefit from the availability of existing military equipment and technology such as the Integrated Undersea Surveillance System, Over the Horizon Radar, and defense satellite imagery.

Subsection (b) expresses the sense of Congress the NOAA should expand its efforts to develop interagency agreements with the Department of Defense (DoD) to further the use of military technologies, data, and resources that would support NOAA's oceanic missions.

Paragraph (1) of subsection (c) requires the Secretary of Commerce to submit a report, within 120 days of enactment of H.R. 4008, to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility of expanding the use of DoD dual use technologies, data, and other resources to support and enhance NOAA's oceanic mission.

Paragraph (c)(2) outlines the required contents of the report. The report must include: (1) a complete list of all DoD dual use resources currently being used by NOAA and the NOAA missions they benefit; (2) recommendations and funding requirements for expanding the use of these DoD dual use assets; (3) a complete listing and funding history of NOAA resources that could be supplemented by DoD dual use assets; (4) a list of DoD dual use assets that are currently not available for civilian use which might assist NOAA in performing any of its missions; (5) recommendations on any legislative or regulatory changes that need to be made to facilitate the availability of DoD dual use assets; (6) an assessment of the relative role that the NOAA Corps, data centers, operation centers, and research facilities should play in the use of these DoD dual use assets; and (7) recommendations on how to improve access for the academic community to the DoD dual use assets identified in the report.

Section 403. Nautical charting modernization and improvement

The Committee is aware that much of the data underlying NOAA's nautical charts are hopelessly outdated. A significant portion of the depth soundings on which the nautical charts are based are widely spaced lead line soundings that predate the availability of sonar. While this situation is clearly untenable, budget requests for these activities have not only lost ground to inflation over the course of many years, but have been wholly inadequate to provide the data needed for safe navigation. While the deployment of high technology solutions, such as PORTS, are indicated in some areas, a first step toward addressing the larger problem is to assess the nation's requirements for marine navigation safety, both for the present and the future, and to determine the technological and financial resources needed to satisfy those requirements.

Section 403 requires the Secretary of Commerce to submit to Congress a report on the status of NOAA programs related to marine navigation safety. The report is to include detailed findings and recommendations on: (1) the missions and objectives of NOAA related to navigation safety; (2) the factors limited the ability of NOAA to modernize its navigation-related programs; and (3) near-

term and long-term actions that are needed to address deficiencies in NOAA's navigation-related programs.

Section 404. West coast groundfish laboratory

Section 404 directs the Secretary of Commerce, in selecting a site for a replacement for the National Marine Fisheries Service Laboratory at Tiburon, California, to take into account several criteria. The criteria include: (1) the proximity of prospective sites to groundfish fisheries, salmon fisheries, and other unique marine study areas; (2) the proximity to academic and private research institutions that conduct relevant marine habitat and environmental research, other NOAA research and management elements, and other federal, state, and private marine-related facilities; (3) the ability of NOAA to retain current staff; and (4) the relative construction and operation costs, including the potential for colocation with other federal facilities.

Section 405. Marine sanctuaries facilities

This section requires the Secretary of Commerce to submit to Congress a facilities plan for the National Marine Sanctuaries Program. The National Marine Sanctuaries Program. The National Marine Sanctuaries Act allows the Secretary to designate areas of ocean and coastal waters as national marine sanctuaries to promote their comprehensive long-term management. With the impending designation of Olympic Coast National Marine Sanctuary there will be 14 national marine sanctuaries encompassing thousands of square nautical miles and representing most of the ocean biogeographic provinces found in U.S. waters. However, most sanctuaries have inadequate administrative facilities and nearly all have inadequate visitor or interpretive facilities.

Despite the impressive size of the system and its broad geographic expanse, the National Marine Sanctuaries Program remains relatively unknown to the public. The ocean environment is, by its nature, less accessible to human beings than terrestrial areas. Moreover, because some of the most important marine resource areas are offshore, a number of marine sanctuaries are not even adjacent to the land. Nevertheless, coastal communities derive many economic, recreational, and esthetic benefits from the resources found within marine sanctuaries. To better familiarize the public with marine resources and the need for their conservation, the National Marine Sanctuaries Program should provide opportunities to experience and learn about marine resources first hand.

This kind of unrestricted access is available only through visitor facilities and learning centers. Similar facilities run by the National Park Service and the U.S. Fish and Wildlife Service have been extremely popular and successful. To help the National Marine Sanctuaries Program achieve its full potential, the Committee believes that it needs a well developed facilities plan. Appropriate facilities will help the program demonstrate to the public the benefits derived from marine sanctuaries and will allow the program to provide educational and recreational opportunities to a broader spectrum of the public.

Section 406. San Francisco Bay Port System

Section 406 requires the Secretary of Commerce to establish a Physical Ocean Real Time System (PORTS) for San Francisco Bay. A PORTS provides real time data, by computer or telephone, on marine weather and ocean conditions, such as tides, currents, wave height, and other navigation-related information. This information is extremely important for safe navigation in areas like San Francisco Bay where oceanographic and weather conditions are complex, or in areas where tolerances between ship draft and channel depth are small. The PORT system for San Francisco Bay is to be established after the implementation of section 401(c).

Subsection (b) directs the Secretary to conduct a hydrodynamics study to determine the appropriate instrumentation and configuration of the PORT system. Subsection (c) requires the PORT system to be installed in consultation with the State of California and conditions the installation on adequate assurances that California will fund the operation and maintenance of the PORTS after its installation.

Subsection (d) authorizes a total of \$4,200,000 for FY 1995 and FY 1996 for carrying out this section.

Section 407. Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts

This section transfers the ownership of the NOAA fisheries laboratory in Gloucester, Massachusetts, to the Commonwealth of Massachusetts. NOAA has tried to close this lab for many years and has gradually transferred employees from Gloucester to its new facility at Sandy Hook. The Commonwealth, on the other hand, has lost its current laboratory and would like to take over the Gloucester facility and make many needed capital improvements. The Commonwealth will continue to make space available to NOAA, rent free, for as long as the agency wishes to maintain its operations there. If at some point in the future the Commonwealth no longer wants to use the Gloucester facility for a fisheries lab, the property would revert to the federal government.

Section 408. Reimbursement of expenses

This section allows NOAA to be reimbursed for expenses incurred as a result of the October 9, 1992, allision of the vessel *Zachery* with the NOAA vessel *Discoverer*. The allision, which is the collision of a moving vessel with a stationary vessel, occurred when the *Zachery's* mooring line parted during a storm, allowing it to drift into the *Discoverer*. NOAA incurred expenses of more than \$518,000 from that incident, which were paid from appropriations to the Fleet Modernization, Shipbuilding, and Conversion account. Section 408 allows amounts received by the United States in settlement of claims arising from that allision to be deposited into the Fleet Modernization account, to be available only for repairs to NOAA vessels.

Section 409. NOAA fleet modernization

The NOAA Fleet Modernization Act (title VI of Public Law 102-567) required the Secretary of Commerce to submit to Congress a plan for modernization of NOAA's fleet of research and survey

ships. A Fleet Replacement and Modernization (FRAM) Program Plan was submitted to the Committee in December 1993. The plan included a schedule for major repairs, conversions, and acquisition of new vessels.

The NOAA Administrator, Dr. D. James Baker, commissioned the Marine Board of the National Research Council to review NOAA's FRAM plan. The Committee commends Dr. Baker for his recognition of ongoing problems with NOAA fleet modernization and it commends the Marine Board for producing an insightful study in a very short time. The study concludes that NOAA's FRAM Plan is flawed and requires major revisions. The study also concludes that NOAA has not been adhering to its own plan in making investment decisions for fleet modernization and that its "economic model" for making these decisions is inadequate. The Committee agrees with these observations.

While remaining steadfast in its support of NOAA fleet modernization, the Committee believes that, without major revision, NOAA's FRAM plan will not achieve its objectives. The Committee notes with approval that NOAA has established a task force to review the Marine Board's recommendations and to take appropriate action. The Committee believes that the FRAM Plan can be put back on course if appropriate corrective action is taken now, while it is still early in the process.

Since submission of the Plan, NOAA has made three major modifications of its contracts schedule: (1) repairs to extend the service life of the R/V *Oceanographer* have been postponed and are under review; (2) NOAA would like to expedite repairs to extend the service life of the R/V *Discoverer*; and (3) the conversion of a T-AGOS vessel for use for hydrographic surveys has been postponed and is under review. The Committee believes that these changes are appropriate and are consistent with the recommendations made in the Marine Board's report. Subsection (a) of section 409 authorizes the Secretary to enter into only the specified contracts for fleet modernization activities for FY 1995 and FY 1996 and is consistent with the FRAM Plan, as modified.

Paragraph (a)(2) defines the term "contract" to clarify that it includes repair and maintenance contracts, as well as contracts entered into on behalf of the Secretary of Commerce by another federal entity. The Committee intends that all major contractual obligations entered into by NOAA for fleet modernization, including contracts that may be entered into by other federal agencies on a reimbursable basis, be subject to the NOAA Fleet Modernization Act.

Subsection (b) limits expenditures for repairs and maintenance of NOAA vessels from the Fleet Modernization account to 20 percent of the total appropriated to that account since its establishment. The Committee is aware that such expenditures have commanded an increasing share of annual appropriations to this account since its creation. The Committee realizes that NOAA must maintain its fleet to be able to fulfill its sea-going missions. However, inadequate requests for funding for NOAA fleet modernization, coupled with excessive reliance on fleet modernization funds for routine maintenance, defeat the purpose of the fleet modernization effort.

Subsection (c) requires the Secretary of Commerce to enter into contracts or service contracts to use vessels of the academic research fleet or non-federal vessels in FY 1995 and FY 1996. Paragraph (c)(2) requires the total amount of funds devoted to these contracts to be at least \$6,000,000 or 10 percent, whichever is greater, of amounts appropriated to the Fleet Modernization account for each of those fiscal years.

The Marine Board, in a 1988 study and again in its just-completed study of the NOAA fleet, has recommended that NOAA give greater consideration to chartering to satisfy its sea-going objectives. NOAA is in the process of soliciting bids for contracts totaling approximately \$2,000,000 for hydrographic surveys. This solicitation is in response to the National Performance Review, which also recommended that NOAA rely more on chartering for ship services. While the Committee commends NOAA for its current efforts in chartering, it believes that NOAA should expand its use of chartering to fulfill its missions. This is especially true when adequate investments are not being made in ship acquisition. The Committee expects that NOAA, in its review of the recommendations of the Marine Board study, will overcome any administrative or bureaucratic barriers to NOAA chartering that may exist within or outside the Department of Commerce. Subsection (c) should provide substantial impetus to this process.

Section 410. Study of NOAA Corps

Subsection (a) directs the Secretary of Commerce to contract with the Marine Board of the National Research Council to conduct a study of the appropriate role of the NOAA Corps in supporting NOAA missions. In particular, the study should examine: whether there is a continued need for a cadre of commissioned officers to operate the NOAA fleet, and take part in other NOAA missions; the contribution of the Corps to NOAA's fleet modernization activities; a comparison of the costs of using Corps personnel versus using civilians in similar positions; and whether qualified civilians are available to fill jobs now occupied by Corps officers. In its April 1994 NOAA-requested report on NOAA's FRAM, the Marine Board was critical of NOAA's fleet modernization efforts and identified several issues that it believed warranted further study. The report stated:

During the conduct of this study, committee members received considerable input (from NOAA and outside) concerning the role of the Office of NOAA Corps Operations (ONCO) in the contemporary and future support of NOAA's seagoing missions. While all evidence indicates that ONCO is staffed by competent and dedicated professionals, this mode of staffing imposes an extra layer of management and supervision that may no longer be necessary as NOAA enters the twenty-first century.

The major role of ONCO is the management of the NOAA fleet to provide a pool of ship services to the three NOAA line offices which conduct NOAA's hydrographic surveys, oceanographic research, and fisheries research. ONCO has also been charged with the modernization and replacement of NOAA's research vessels.

Given the shrinking size of the operation NOAA fleet, and the ever decreasing time spent at sea by the remaining aged NOAA vessels, the need for a corps of officers to command these assets is called into question.

Moreover, the 400-plus officers of the Corps are frequently and necessarily assigned to duties outside the management and operation of the NOAA fleet, but continue to receive enhanced military-type benefits while assigned to duties also filled by civilian employees. A 1990 study by the Department of Commerce Inspector General (STD-0194-0-0004, U.S. Department of Commerce, September 1990) concluded that NOAA Corps officers assigned to shore-based duties were, on average, 59 percent more expensive than equivalent civilian employees. According to the Inspector General's report, these costs were approximately \$3 million in FY 1988 alone.

Given the current Federal budget constraints, which have forced reductions in NOAA's hydrographic surveying, oceanographic research, and coastal programs, the Committee is concerned about NOAA's ability to obtain the necessary data to fulfill its ocean and coastal missions in the most cost-effective way. These concerns are echoed in a report on NOAA's FRAM issued by the Department of Commerce Oceanic and Atmospheric Management Advisory Committee, in a recent article published in "Proceedings of the U.S. Naval Institute," as well as the 1990 Inspector General's study.

Under subsection (b), the Secretary must transmit a copy of the Marine Board report to Congress. Subsection (c) clarifies definitions, and subsection (d) authorizes a total of \$100,000 for FY 1995 and FY 1996 to carry out this section.

Section 411. Undersea Research Program

Subsection (a) establishes the National Undersea Research Program within NOAA. In establishing the program under this section, the Committee expects NOAA, subject to any review procedures or regulations it may establish, to continue support of the six existing National Undersea Research Centers. These centers are located at the University of North Carolina at Wilmington, the University of Connecticut at Avery Point, Rutgers University, the Caribbean Marine Research Center, the University of Alaska at Fairbanks, and the University of Hawaii at Manoa.

Subsection (b) describes the purpose of the program. The Committee expects that the program will be conducted through support of: (1) the existing National Undersea Research Centers; (2) centers established under this section; and (3) the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility for Scientific Use.

Subsection (c) directs the Secretary of Commerce to establish and maintain, at a qualified public institution, a center to conduct the National Undersea Research Program for the Gulf of Mexico region. The Secretary is directed to establish the new center within 180 days of the enactment of the Act. The Committee intends that the Gulf of Mexico region consist of the coastal and oceanic waters of the Gulf of Mexico off Florida, Alabama, Mississippi, Louisiana, and Texas.

Paragraph (c)(2) defines the term "qualified public institution" for the purpose of selecting an institution for the Gulf of Mexico

National Undersea Research Center. The Committee expects the Secretary to select an institution to house the Gulf of Mexico National Undersea Research Center that meets the criteria of this paragraph.

Paragraph (c)(3) prohibits the Secretary of Commerce, in establishing a center for the Gulf of Mexico region, from reducing amounts available for carrying out the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility for Scientific Use. This memorandum defines the relationship among NOAA, the Office of Naval Research, and the National Science Foundation for the joint support of the research submersible *Alvin*.

Section 412. Report on research and effects of climate and global change on freshwater systems

Section 412 requires the Secretary of Commerce to submit a report to Congress on the status and future plans for research on the effects of global climate change on the nation's major freshwater systems.

The Committee recognizes that the Great Lakes contain approximately 20 percent of the world's surface freshwater supply and approximately 95 percent of the surface freshwater in the United States. As a result, climatic change poses enormous economic and environmental threats to the sustained management of these resources. Potentially harmful effects of climate change on the Great Lakes include: lowered lake water levels and reduced flow in rivers and streams; water temperature changes; decline of fish stocks; loss of wetlands, forests and agricultural lands; and degradation of water quality. Despite an international commitment with Canada, NOAA has not yet developed a climate change research program for the Great Lakes region.

Given that the Great Lakes region represents an irreplaceable international resource, the Committee encourages NOAA to examine its research efforts in this region and to support a climate and global change research effort on major freshwater systems commensurate with the value of these resources to the nation.

Section 413. Promotion and coordination of National Estuarine Research Reserves

The National Estuarine Research Reserve System was created under the Coastal Zone Management Act of 1972 to ensure a stable environment for research through long-term protection of estuarine reserve resources. Research within the system is designed to address significant coastal management issues. Unfortunately, appropriations have not kept pace with the growth of the system. As a result, most of the program's funding is spent on operation and maintenance, with little funding available for research.

Section 413 directs the Secretary of Commerce to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes. The Committee believes that a number of federal research programs, including other programs at NOAA, could make better use of the National Estuarine Research Reserve system. This would result in more efficient

use of federal research dollars and an improved scientific basis for coastal resource management and conservation.

Section 414. Study on effects of dolphin feeding

This section requires the Secretary of Commerce to conduct a study on the effects of feeding wild dolphins in the Gulf of Mexico and the southern Atlantic Ocean. The Secretary must report to Congress within one year of the enactment of H.R. 4008 on the results of the study. The Secretary is directed to use the results of the study in determining whether and under what conditions feeding of wild dolphins may be allowed. The Committee intends that, in conducting the study, the Secretary may use existing information and reports, including material from the western Gulf of Mexico.

Section 415. Flower Garden Banks boundary modification

The Flower Garden Banks National Marine Sanctuary (FGBNMS) was established by Public Law 102-251. The Sanctuary is located approximately 100 nautical miles off the Texas coast and includes the northernmost coral reefs on the North American continental shelf. The FGBNMS was established primarily to protect these reefs from degradation due to anchoring on the reefs and overfishing. Section 415 is identical to H.R. 3886, which was passed by the House of Representatives under suspension of the rules on March 21, 1994.

Section 415 expands the FGBNMS to include a smaller nearby bank, known as Stetson Bank. Stetson Bank is an important sport diving and recreational fishing resource in the Gulf of Mexico. The bank is characterized by a spectacular array of fish and invertebrates but its popularity as a diving and fishing location has led to the degradation of these resources. This section would protect and preserve those resources by including them within the FGBNMS, thereby providing the same protections afforded to the existing resources of the Sanctuary.

As defined by H.R. 3886, Stetson Bank encompasses an area of approximately 482 acres or 0.75 square miles. This area has been designated by the Minerals Management Service of the Department of the Interior as a "no activity zone" with regard to oil and gas exploration, development, and production. The new area would be managed in the same way as the existing Sanctuary, including a prohibition on oil and gas development within the no activity zone.

Section 415(d)(2) allows the Secretary of Commerce to make minor changes to the boundaries to protect coral resources or to simplify administration of the Sanctuary. The Committee expects that changes pursuant to this paragraph will only be made to establish precise geographical boundaries for Stetson Bank and will neither significantly enlarge the area described in paragraph (d)(1), nor restrict oil, gas, or mineral exploration, development, or production activities otherwise allowed outside of the designated no activity zone.

Section 416. Amendments relating to National Coastal Resources Research and Development Institute

This section is identical to H.R. 2063, which was passed by the House on March 21, 1994. Section 416 amends the existing authorization for the National Coastal Resources Research and Development Institute (NCRI) to clarify its mission, expand the membership of its Board of Governors and Advisory Council, and amend its reporting requirements.

Section 416 refines NCRI's mission by emphasizing that it should transfer research and technology "to improve the economic, environmental, and social well-being of the nation's coastal communities and the competitiveness of coastal businesses." Under current law, NCRI has a Board of Governors that only represents the Pacific coast. Subsection (c) expands the membership of the Board to include representation from all coastal regions of the United States. Subsection (d) expands the Advisory Council to include leaders in coastal communities and businesses, in addition to the "specialists in ocean and coastal resources" already stipulated. Lastly, the amendments require NCRI to report on its activities annually to Congress and biennially to the Secretary of Commerce.

Section 417. Sense of Congress regarding promotion of minorities and women in coastal and ocean programs.

The Committee recognizes that women, Native Americans, and people of color have historically been underrepresented in environmental protection and natural resource management programs. The Committee supports full integration of the nation's cultural and ethnic diversity into the sciences, and into ocean and coastal resource stewardship programs in particular.

Section 417 expresses the sense of Congress that NOAA should recruit minorities and women into the science and resource management fields. By creating internship programs that would nurture a pool of professionals in these areas and by making such programs eligible for grant funds, NOAA can promote this goal.

The Committee notes that the National Sea Grant College Program has actively sought to recruit minorities and women into coastal and ocean science, policy, and management, through support for research and educational programs, including the Dean John A. Knauss Marine Policy Fellowship Program. In the area of marine science and policy, Sea Grant is NOAA's primary point of access to, and coordination with, institutions of higher education. In implementing this section, the Committee expects that NOAA will make full use of the resources and opportunities available through the National Sea Grant College Program.

Section 418. Chesapeake Bay

Congress has provided NOAA with funds since FY 1989 for oyster disease research. These funds have been used to study the diseases that have ravaged oyster populations in the mid-Atlantic region during the past two decades.

FY 1993 oyster disease research funds were given to the NOAA Chesapeake Bay Office for distribution. This office has been unresponsive to Congressional inquiries on the status of the program, and only moved forward with a Request for Proposals after con-

cerns about the delays were raised repeatedly with the highest levels of the National Marine Fisheries Service. FY 1993 funds were finally expended in the third quarter of FY 1994. FY 1994 funds have yet to be expended.

Section 418 is intended to ensure that future grants are made in a timely manner. The NOAA Chesapeake Bay Office would be abolished if all FY 1993 and FY 1994 appropriations for oyster disease research are not obligated by December 1, 1994. This is the date that NOAA itself has set for the obligation of FY 1994 oyster disease research funds. Because this office has missed every planned date for obligation of FY 1993 funds, the Committee believes that it is time to set an enforceable deadline.

Under this section, the functions of the Chesapeake Bay Office would continue, but would be transferred to NOAA's Coastal Ocean Program and to Sea Grant. The Sea Grant portion of the program would be managed under a joint agreement between the Maryland and Virginia Sea Grant programs.

Section 419. Weather reporting stations for Prince William Sound

Up-to-date knowledge of weather conditions in Prince William Sound and the Gulf of Alaska is critical to the safety of navigation and the environment in this region. Only with such information can weather restrictions be enforced consistently and accurately on crude oil tankers coming into and leaving Valdez. To address these concerns, the Prince William Sound Regional Citizen's Advisory Committee has endorsed the placement of a weather buoy in the vicinity of Seal Rocks. The Committee supports this recommendation.

Section 419 authorizes the Secretary of Commerce to acquire, install, and maintain various weather monitoring and reporting equipment in Prince William Sound, including a weather buoy in the vicinity of Seal Rocks.

TITLE V—GREAT LAKES IMPROVEMENTS

Title V consists of the text of H.R. 1394, the National Oceanic and Atmospheric Administration Great Lakes Improvement Act, which was passed by the House on March 21, 1994. The purpose of this title is to promote and coordinate national programs that conduct research, monitoring, and environmental assessment in the Great Lakes region.

Section 502 authorizes the Under Secretary of Commerce for Oceans and Atmosphere (the NOAA Administrator) to establish a Great Lakes Office in the Washington, D.C., area. The office should be established in the Washington, D.C., area so that it can interact with the national offices of federal programs that conduct research in the Great Lakes region.

Section 503 requires the Under Secretary, subject to the availability of appropriations, annually to prepare and submit a report to Congress on Great Lakes ecosystem research, monitoring, and assessment. The report is to include: a description of Great Lakes projects conducted by NOAA and their funding; a listing of financial assistance provided by NOAA to states or local governments in the Great Lakes region; an inventory of NOAA facilities and personnel in the Great Lakes region; a description of future activities

in the region; and a proposal to increase NOAA presence in the Great Lakes and improve coordination of Great Lakes research within the Administration and with other interested parties, including the government of Canada.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 4008 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate by the Committee of the costs which would be incurred in carrying out H.R. 4008. However, clause 7(d) provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf held hearings on November 3, 1993, on the NOAA reauthorization and on March 2, 1994, on NOAA's budget request for FY 1995. The oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4008 does not contain credit authority or an increase in tax expenditures. CBO estimates that H.R. 4008 contains new budget authority and spending authority of approximately \$1,000,000 annually from 1995 through 1999 and an additional one-time increase in direct spending of less than \$500,000.

3. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Operations on the subject of H.R. 4008.

4. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4008 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 1994.

Hon. GERRY E. STUDDS,
*Chairman, Committee on Merchant Marine and Fisheries, House of
Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4008, the National Oceanic and Atmospheric Administration Authorization Act of 1994.

Enactment of H.R. 4008 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4008.
2. Bill title: National Oceanic and Atmospheric Administration Authorization Act of 1994.
3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries on May 11, 1994.
4. Bill purpose: H.R. 4008 would authorize appropriations for the National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1995 and 1996.
5. Estimated cost to the Federal Government:

(By fiscal years, in millions of dollars)

	1995	1996	1997	1998	1999
Authorizations of appropriations:					
Estimated authorizations	456	473	0	0	0
Estimated outlays	274	407	152	61	29
Direct spending:					
Estimated budget authority	1	1	1	1	1
Estimated outlays	1	1	1	1	1

The costs of this bill fall without budget function 300.

Basis of estimate: CBO assumes that the full amounts authorized would be appropriated for each fiscal year. The outlay estimates are based on historical spending patterns for these programs, or, in the case of new programs, the spending patterns of similar programs.

H.R. 4008 would authorize appropriations of \$232.9 million in 1995 and \$242.4 million in 1996 for NOAA ocean and coastal programs, \$82.6 million in 1995 and \$85.5 million in 1996 for NOAA marine fishery programs, \$135.3 million in 1995 and \$140.2 million in 1996 for NOAA administrative activities, retirement pay, and marine services activities, and \$4.7 million in 1995 and \$4.6 million in 1996 for the installation of a navigation system in San Francisco Bay, and for various studies and research. The bill also would permit NOAA to spend \$340,000 to establish weather reporting stations in Prince William Sound; annual maintenance costs would be about \$160,000. The costs for the weather stations would

be in addition to the other amounts authorized. Title V would authorize \$100,000 in each year from 1995 through 1998 for a Great Lakes Office.

Fees collected from the sale of nautical products currently are deposited in the Treasury as offsetting receipts. Title IV would make one-sixth of these fees available for spending by NOAA, without appropriation action, on activities related to the modernization and improvement of maritime safety. This change would increase direct spending, and thus the bill would be subject to pay-as-you-go scoring. CBO estimates that the increase in direct spending would be about \$1 million each year from 1995 through 1999.

Title IV also would permit NOAA to retain up to \$519,000 from a possible judgment against the vessel that collided with the NOAA vessel *Discoverer*, and to spend the retained funds for the repair of the *Discoverer*. Funds collected from judgments are usually categorized as revenues on the federal budget. This provision would have the effect of converting revenues into offsetting collections and making them available for spending. Under Congressional scorekeeping rules, reclassifications of spending or revenues are not scored, so the only effect of this provision would be an increase in direct spending. Based on information from NOAA, we expect that repairs to the *Discoverer* will cost less than \$500,000. We therefore estimate that this provision would increase direct spending by less than \$500,000 in fiscal year 1995.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Title IV of H.R. 4008 would increase direct spending by \$1 million a year by making available for spending by NOAA, without appropriation action, about \$1 million in fees from the sale of nautical products. Title IV also would increase direct spending by less than \$500,000 by permitting NOAA to spend funds received from a judgment to repair the vessel *Discoverer*. The following table shows the estimated pay-as-you-go impact of this bill.

(By fiscal years, in millions of dollars)

	1994	1995	1996	1997	1998
Change in receipts	(1) ¹	(1) ¹	(1) ¹	(1) ¹	(1) ¹
Change in outlays	0	1	1	1	1

¹ Not applicable.

7. Estimated cost to state and local governments: Title IV would require NOAA to establish a safe navigation system in San Francisco Bay only if the state of California would fund the operation and maintenance of the system. We estimate that operating and maintaining the navigation system would cost the state of California about \$500,000 annually after 1995.

Title IV also would transfer to Massachusetts the national marine fisheries service laboratory in Gloucester, Massachusetts, on condition that the government of Massachusetts pay for the maintenance of the property. CBO estimates that maintaining the laboratory would cost the government of Massachusetts approximately \$130,000 per year.

8. Estimate comparison: None.

9. Previous CBO estimate: None.
10. Estimate prepared by: John Webb and Melissa Sampson.
11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 4008.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 4008, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

P.L. 98-210

* * * * *

SEC. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, \$47,933,000 for fiscal year [1992 and] 1992, \$59,162,000 for fiscal year 1993, *\$51,092,000 for fiscal year 1995, and \$52,931,000 for fiscal year 1996*. These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manager: marine fishery resources, marine mammals, endangered species, and their habitats.

* * * * *

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries conservation and management operations duties under law, \$27,290,000 for fiscal year [1992 and] 1992, \$35,594,000 for fiscal year 1993, *\$14,198,000 for fiscal year 1995, and \$14,709,000 for fiscal year 1996*. These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatch-

ery operations, fishery management plan activities, habitat conservation, and protected species management.

* * * * *

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries State and industry assistance program under law, \$12,182,000 for fiscal year [1992 and] 1992, \$18,838,000 for fiscal year 1993, *\$17,089,000 for fiscal year 1995, and \$17,704,000 for fiscal year 1996.* These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing boats and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

* * * * *

P.L. 98-210

SEC. 2. * * *

[(e) Of the sums authorized under subsection (a) of this section, no more than \$2,500,000 are authorized to be appropriated for each of the fiscal years 1992 and 1993 to enable the National Oceanic and Atmospheric Administration to establish the Chesapeake Bay Estuarine Resources Office under section 306 of the National Oceanic and Atmospheric Administration Authorization Act of 1991. No more than 20 percent of the amount appropriated under the authorization in this subsection shall be used for administrative purposes.]

46 App. U.S.C. 1274

§ 1274. Eligibility for guarantee

(a) PURPOSE OF OBLIGATIONS.—

* * * * *

(b) CONTENTS OF OBLIGATIONS.—Obligations guaranteed under this subchapter—

(1) shall have an obligor approved by the Secretary as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary;

(2) subject to the provisions of subsection (c)(1) of this section and subsection (i) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual costs, as determined by the Secretary, of the vessel which is used as security for the guarantee of the Secretary: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary, and which is or would have been eligible for mortgage aid for construction under section 1159 of this title (or would have

been eligible for mortgage aid under section 1159 of this title except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further*, That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof: *Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount equal to 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility[, except that no debt may be placed under this proviso through the Federal Financing Bank]: *Provided, further*, That in the case of an ocean thermal energy conversion facility or plantship which is constructed without the aid of construction-differential subsidy, such obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the facility or plantship: *Provided, further*, That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel;

* * * * *

15 U.S.C. 713c-3

§713c-3. Promotion of free flow of domestically produced fishery products

(a) DEFINITIONS.—

* * * * *

(b) TRANSFER OF FUNDS.—

(1) The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957, from monies made available to carry out the provisions of section 612c of Title 7, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products) which shall be maintained in a separate fund [only for—

[(A) use by the Secretary—] *only for use by the Secretary—*

[(i)] (A) to provide financial assistance for the purpose of carrying out fisheries research and develop-

ment projects approved under subsection (c) of this section,

[(ii)] (B) to implement the national fisheries research and development program provided for under subsection (d) of this section; and

[(iii)] (C) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 1863 of Title 16.

[(B) the provision of moneys, subject to paragraph (2), to carry out the purposes of the Fisheries Promotion Fund established under section 4008(a) of Title 16.]

(2) There are transferred from the fund established under paragraph (1) to the Fisheries Promotion Fund referred to in paragraph (1)(B) \$750,000 in fiscal year 1987, \$3,000,000 in each of fiscal years 1988 and 1989, and \$2,000,000 in each of fiscal years 1990 and 1991.

[(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—

[(1) The Secretary shall make grants from the fund established under subsection (b) of this section to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

[(2) The Secretary shall—

[(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

[(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

[(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

[(3) No application for a grant under this subsection may be approved unless the Secretary—

[(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

[(B) evaluates the proposed project as to—

[(i) soundness of design,

[(ii) the possibilities of securing productive results,

[(iii) minimization of duplication with other fisheries research and development projects,

[(iv) the organization and management of the project,

[(v) methods proposed for monitoring and evaluating the success or failure of the project, and

[(vi) such other criteria as the Secretary may require.

[(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to

protect the interests of the United States, including, but not limited to, the following:

[(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

[(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

[(C) The recipient of the grant must submit to the Secretary periodic projects status reports.]

(c) *FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.*—

(1) *IN GENERAL.*—*The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.*

(2) *SECRETARY'S DUTIES.*—*The Secretary shall each fiscal year—*

(A) *receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;*

(B) *prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);*

(C) *include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and*

(D) *approve or disapprove each such application—*

(i) *based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and*

(ii) *before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and*

(E) *to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 10 percent of funds available for a fiscal year may be obligated in the next fiscal year.*

(3) *EVALUATION AND APPROVAL OF PROPOSALS.*—

(A) *SUITABILITY FOR EVALUATION.*—*For each application received under paragraph (2) in a fiscal year, the Secretary shall—*

(i) make a determination whether the project proposed in the application meets the requirements of this subsection and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

(B) GRANTS REVIEW PANEL.—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fiscal year.

(C) CRITERIA FOR EVALUATION OF PROPOSALS.—Each grants review panel shall evaluate each proposal as to—

(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

(iii) the minimization of duplication within fisheries research and development activities; and

(iv) based on the criteria in clauses (i), (ii) and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

(D) INDUSTRIAL PARTNERS.—In evaluating and ranking proposals under this subsection that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least 1 of the persons that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

(E) NOTICE OF DECISION BY THE SECRETARY.—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of that decision, including the reasons for that decision.

(F) RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after

consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

(4) **TERMS AND CONDITIONS.**—*Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including the following:*

(A) **RECORDS.**—*The recipient of the grant—*

(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

(B) **AMOUNT OF GRANT.**—*The amount of a grant may not be less than 50 percent of the estimated cost of the project.*

(C) **PERIOD OF GRANT.**—*A grant may not provide funding for more than 2 years from the date of the release of the funds to the grantee.*

(D) **STATUS REPORT.**—*The recipient of a grant shall submit annually to the Secretary a project status report. The Secretary may not release funds to the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.*

* * * * *

33 U.S.C. 891

§ 891. Definitions

In this subchapter, the term—

* * * * *

(6) “contract” means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term includes contracts entered into on behalf of the Secretary by another Federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.

16 U.S.C. 1463b

§ 1463b. National Coastal Resources Research and Development Institute

(a) **ESTABLISHMENT BY SECRETARY; ADMINISTRATION.**—The Secretary of Commerce shall provide for the establishment of a National Coastal Resources Research and Development Institute (hereinafter in this section referred to as the “Institute”) to be ad-

ministered [by the Oregon State Marine Science Center] *by the Oregon State System of Higher Education.*

[(b) PURPOSES OF INSTITUTE.—The Institute shall conduct research and carry out educational and demonstration projects designed to promote the efficient and responsible development of ocean and coastal resources, including arctic resources. Such projects shall be based on biological, geological, genetic, economic and other scientific research applicable to the purposes of this section and shall include studies on the economic diversification and environmental protection of the Nation's coastal areas.

[(c) DETERMINATION OF INSTITUTE POLICIES.—

[(1) The policies of the Institute shall be determined by a Board of Governors composed of—

[(A) two representatives appointed by the Governor of Oregon;

[(B) one representative appointed by the Governor of Alaska;

[(C) one representative appointed by the Governor of Washington;

[(D) one representative appointed by the Governor of California; and

[(E) one representative appointed by the Governor of Hawaii.]

(b) The Institute shall promote the economic growth and prosperity of the United States by transferring research and technology into applications to improve the economic, environmental, and social well-being of the Nation's coastal communities and the competitiveness of coastal businesses.

(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

(A) 1 representative appointed by the Chancellor of the Oregon State System of Higher Education; and

(B) 1 representative of each of the following regions, appointed jointly by Governors of the States comprising that region:

(i) The Alaska region, consisting of Alaska.

(ii) The Northwest Pacific Coast region, consisting of Oregon and Washington.

(iii) The Southwest Pacific Coast region, consisting of California.

(iv) The Pacific Islands region, consisting of Hawaii, American Samoa, and Guam.

(v) The Great Lakes region, consisting of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.

(vi) The Gulf Coast region, consisting of Texas, Louisiana, Mississippi, and Alabama.

(vii) The South Atlantic and Caribbean region, consisting of South Carolina, Georgia, Florida, Puerto Rico, and the U.S. Virgin Islands.

(viii) The Mid-Atlantic region, consisting of Delaware, Maryland, Virginia, and North Carolina.

(ix) *The North Atlantic region, consisting of New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine.*

(2) Such policies shall include the selection, on a nationally competitive basis, of the research, projects, and studies to be supported by the Institute in accordance with the purposes of this section.

(d) ESTABLISHMENT OF ADVISORY COUNCIL; FUNCTIONS AND COMPOSITION.—

(1) The Board of Governors shall establish an Advisory Council composed of specialists in ocean and coastal resources from the academic community *and leaders in coastal communities and businesses.*

(2) To the maximum extent practicable, the Advisory Council shall be composed of such specialists from every coastal region of the Nation.

(3) The Advisory Council shall provide such advice to the Board of Governors as such Board shall request, including recommendations regarding the support of research, projects, and studies in accordance with the purposes of this section.

(e) ADMINISTRATION OF INSTITUTE.—The Institute shall be administered by a Director who shall be appointed by the Chancellor of the [Oregon Board of Higher Education], *Oregon State System of Higher Education* in consultation with the Board of Governors.

(f) EVALUATION OF INSTITUTE BY SECRETARY.—The Secretary of Commerce shall conduct an ongoing evaluation of the activities of the Institute to ensure that funds received by the Institute under this section are used in a manner consistent with the provisions of this section.

[(g) REPORT TO SECRETARY.—The Institute shall report to the Secretary of Commerce on its activities within 2 years after July 17, 1984.]

(g) The Institute shall report to the Congress on its activities annually, and shall report to the Secretary of Commerce in a like manner biennially.

* * * * *

DISSENTING VIEWS BY MR. FIELDS OF TEXAS, MR. YOUNG
OF ALASKA, MR. COBLE, MR. BATEMAN, MRS. FOWLER,
MRS. BENTLEY, MR. LAUGHLIN, MR. CUNNINGHAM, AND
MR. POMBO

Under an amendment to H.R. 4008 adopted by the Merchant Marine and Fisheries Committee, American taxpayers will be footing a \$14 million bill over the next two years to have schoolchildren around the world collect data on global climate changes of dubious scientific value. For example, seventh graders will be taking measurements of air quality and high school students could be given an opportunity to participate in an annual tree census.

The Global Learning and Observations to Benefit the Environment (GLOBE) is the fifth element in the \$100 billion Global Marshall Plan described in Vice President Al Gore's book, "Earth in the Balance." As described in the National Oceanic and Atmospheric Administration (NOAA) budget document (our emphasis):

NOAA will be hosting this *new* interagency program which is designed to (1) enhance the collective awareness of individuals throughout the world concerning the environment and the impacts of human activities on it, and (2) to increase scientific understanding of the earth by using the dense *worldwide network* of schools to collect environmental observations.

While the concept of encouraging schoolchildren to take part in scientific experiments is meritorious, this program is a highly questionable expenditure of our scarce federal dollars. In Fiscal Year 1995 alone, the President proposes that NOAA, as well as the National Aeronautics and Space Administration and the Environmental Protection Agency, allocate a total of \$13 million to develop and purchase computers and software; buy solar-powered television sets; train foreign teachers; buy satellite time or even the satellites themselves; and fund American scientists to process the data collected by thousands of children.

Regrettably, this \$13 million expenditure is only a start. The projected costs of the GLOBE program are frightening—\$100 million in the year 2000 with the active participation of some 100,000 schools. In 2010, the goal is to have this program affect over two million schools in every nation of the world. The price tag for a program growing 1900 percent in 10 years could well be staggering.

In addition, NOAA's GLOBE program authorizes eight staff positions in Fiscal Year 1995 at a time when the agency is being asked to reduce personnel to meet budget targets. With GLOBE's financial needs nearly doubling in Fiscal Year 1996 (NOAA estimates its cost at \$12 million), it is legitimate to ask whether the number of federal employees assigned to this new program will also double or triple in the near future.

More importantly, it is clear to us that there are far better uses for this \$13 million in Fiscal Year 1995. For instance, this money

could be better spent to restore our national drug interdiction effort (cut by \$95 million); fund the Boat Safety Account, which the Administration has zeroed out; or keep open 14 Coast Guard search and rescue stations slated for closure around the country. Furthermore, while we note with some horror that this Administration has not proposed a dime for U.S. shipbuilding, which employs over 160,000 Americans, the Administration is proposing to fund the GLOBE program.

And even with the new global change information generated through the GLOBE program, NOAA does not intend to reduce its budget for global climate change research, which is funded at an all time new high. NOAA has not indicated if, or how, it will utilize the information gathered by these schoolchildren under GLOBE. In fact, there is a great deal of concern about the ultimate use of this data. Certainly minor weather observations would not be a problem, but what about measurements which demonstrate a potential problem with acid rain or nuclear contamination?

In Fiscal Year 1995, NOAA projects that 30 schools in 20 different countries will be involved. However, the agency cannot or will not provide the names of either the countries or the schools involved in the GLOBE program. In addition, supporters of this idea have suggested that corporate sponsorships could help to underwrite some of the costs of this program. Again, no names of any interested companies have been provided.

Finally, NOAA has already committed \$500,000 of its Fiscal Year 1994 funds to start up this program. What NOAA programs were shortchanged to benefit GLOBE? What about the many details which are still missing? And most importantly to this Committee as an institution, what is NOAA's excuse for ignoring the provisions of Public Law 102-567 which require that a notice be provided to the Committee on Merchant Marine and Fisheries BEFORE the agency reprograms funds for another use?

For all these reasons, we do not support the inclusion of language authorizing the GLOBE program at \$7 million for each of Fiscal Years 1995 and 1996 as part of the NOAA Authorization Act of 1994. We hope that this provision will be stricken so that H.R. 4008 can be enacted without unnecessary delay.

JACK FIELDS.
HOWARD COBLE.
RANDY "DUKE" CUNNINGHAM.
DON YOUNG.
HERBERT H. BATEMAN.
HELEN DELICH BENTLEY.
RICHARD POMBO.
GREG LAUGHLIN.
TILLIE K. FOWLER.

ADDITIONAL VIEWS OF MR. STUDDS

To build a sustainable society for the future, it will be necessary to maintain economic growth, improve the quality of life for the world's human population, and stop global environmental degradation. The human race has, for the first time in its history, reached a point where its sheer numbers and its technology have made it possible to alter the ecosystem of the entire planet. Even if one dismisses the threat of global warming caused by greenhouse gases, the problems caused by the worldwide destruction of wetlands and rainforests, degradation of coral reefs, depletion of fisheries, and widespread air and water pollution are beyond dispute. There can be little doubt that these problems will increase with increasing population.

We are at a crossroads. Traditional western philosophy has taught us that nature is separate from, and should be conquered by, the human race. However, in this century we have seen both amazing technological accomplishments and the environmental consequences of that technology. We have finally started to understand that the natural world is essential to our own survival. In the next century, we will discover whether we have the wisdom to strike a balance among the benefits of technology, the exploitation of natural resources, and the environmental consequences of our actions.

We need to realize that human beings are as much a part of the natural environment, and are just as affected by it, as are bald eagles, sea otters, and the piping plover. To take responsibility for the environmental consequences of our individual and collective actions, we must learn what those consequences are. As with all education, it is best begun when young. That is what the Global Observations to Benefit the Environment (GLOBE) program is all about.

GLOBE is intended to enhance the overall awareness of environmental issues worldwide. It will accomplish this by making individuals aware of environmental conditions locally and globally and of the impact of human activities on these conditions. Students at schools across the nation and around the world will make environmental observations that will be used to create computer-generated "pictures" of the world, which will be relayed back to the students and shared with the global network of program participants. These images will help the students understand how the planet's environmental systems work, and how the students and their local environment fit into the world picture. In addition, the measurements the students take will be carefully selected and monitored for quality so that the data they collect will be useful to environmental scientists.

Opponents of GLOBE have made much of the alleged costs of the program. Because of the scope of the program, the overall cost of worldwide implementation will be substantial. However, foreign

governments and non-federal sources are expected to pay for over 90 percent of the cost of GLOBE. Participation in the program is voluntary and participants will, for the most part, be responsible for their own funding. According to NOAA, the projected costs beyond FY 1995 for federal government involvement in GLOBE are expected to increase by a small amount, but no increase is projected in the number of federal employees assigned to the program. While I fully support GLOBE and understand the need for modest growth in funding, I would not support funding levels that would negatively impact ongoing federal agency activities.

The requested FY 1995 funding for NOAA, NASA, and EPA will be used to plan and direct the program to obtain input from scientists and educators on the kinds of data that can be collected reliably by different age groups to be of greatest value for both science and education and to produce prototype educational materials. It will also be used to develop a prototype information system to process the data acquired by the students to produce outputs for students' use, prepare the data for use by scientists, and support student interaction with their local computer or satellite terminals. It is simply not true, as opponents of GLOBE have suggested, that reducing the expenditures of these agencies for GLOBE would make additional funds available for appropriations in completely unrelated accounts.

Federal funding for GLOBE will not be used to purchase computers and software for large scale development outside the United States. The funding will not be used to buy solar-powered television sets. The funding will not be used to buy satellite time or satellites for use in relaying data from students and outputs back to the students. The funding will not be used to fund U.S. scientists to process the data collected by GLOBE. To the contrary, because the instrumentation and measurements will be carefully selected and monitored for reliability, scientists are expected to be able to use these new data to improve the results of their environmental science research.

The data to be acquired by students and the global results returned to them are to be "policy-neutral" and are intended to build a general awareness by them of environmental concerns. The results will be presented in an unbiased way, allowing the students to draw their own conclusions about their measurements and global environmental trends.

By Earth Day 1995, hundreds of schools from the U.S. and throughout the world will be involved in GLOBE. Over 40 nations have already indicated an interest in the program. This does not mean, as has been suggested, that there have been firm and final commitments from these nations at this point. Moreover, while program development and demonstration may be federally funded, large scale participation by any country would be contingent on the availability of funds from that country or from non-federal sources. The selection of the initial participating countries and schools will be made later this year, following the completion of program planning with active involvement by international scientists and educators.

A non-profit organization will be selected as the focal point for private sector and other non-federal contributions of resources for

GLOBE. Operating through an agreement with the federal government, that organization will solicit and expend non-federal funds in support of the program.

The FY 1994 funds to be used by NOAA to support the GLOBE program are proposed to be reprogrammed from funding provided as a Congressional add-on to NOAA's appropriation this year. This reprogramming will not harm on-going NOAA activities. The notice of reprogramming was submitted to Congress, as required by law, on June 7, 1994.

GERRY STUDDS.

